

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HANS MOKE NIEMANN,

Plaintiff,

vs.

SVEN MAGNUS ØEN CARLSEN A/K/A
MAGNUS CARLSEN, PLAY MAGNUS
AS D/B/A PLAY MAGNUS GROUP,
CHESS.COM, LLC, DANIEL RENSCH
A/K/A “DANNY” RENSCH, AND
HIKARU NAKAMURA,

Defendants.

Case No. 4:22-cv-01110-AGF

Hon. Audrey G. Fleissig

**CHESS.COM LLC’S UNOPPOSED MOTION FOR CONTINUED
SEALING OF DOCUMENTS PURSUANT TO RULE 13.05**

Defendant Chess.com, LLC (“Chess.com”) hereby files this Unopposed Motion for Continued Sealing pursuant to Rule 13.05,¹ and requests the Court maintain under seal Chess.com’s Sealed Memorandum in Support of Motion for Leave to File under Seal (ECF No. 68), Chess.com’s Rule 7.1 Corporate Disclosure Statement (attached as Exhibit #1 to Chess.com’s Sealed Memorandum in Support of Motion for Leave to File under Seal) (ECF No. 68-1), and Chess.com’s Sealed Reply Brief in Support of Motion for Leave to File under Seal (ECF No. 73) (collectively, the “Sealed Documents”).

1. Without disclosing the information sought to be kept confidential, the Sealed 7.1

¹ Pursuant to Local Rule 13.05(B)(2), all documents previously filed under seal in a civil action will remain sealed for 30 days after the receipt of a mandate from the Court of Appeals unless a Motion to Continue Sealing is filed pursuant to Local Rule 13.05(A)(4)(a). In light of the Court’s decision to deny Chess.com’s Motion for Leave to File under Seal *without prejudice* and the Court’s docket text entry which sets a September 25, 2023 reminder to unseal the previously sealed documents, Chess.com files the current Motion for Continued Sealing in an abundance of caution for *all* of the documents filed under seal (ECF Nos. 94, 150).

Corporate Disclosure Statement lists, and the other sealed documents reference, 40 separate individuals and entities whose identification alone may be used in the future for improper purposes and compromise Chess.com's competitive standing.

2. Chess.com is a private company with several members, and only one these individuals and entities, Defendant Daniel "Danny" Rensch, was a party to this litigation. Mr. Rensch filed his own disclosure statement identifying his citizenship.

3. As detailed more fully in Chess.com's memorandum in support of this motion, filed concurrently herewith,² the Sealed Documents should remain sealed because the public's interest in access to Chess.com's ownership information is minimal while the legal grounds in support of this request include the privacy interests of the non-parties as well as Chess.com's interest in protecting its "confidential and competitively sensitive information." *See, e.g., IDT Corp. v. eBay*, 709 F.3d 1220, 1223–24 (8th Cir. 2013).

4. Furthermore, there is already a later-filed Rule 7.1 Corporate Disclosure that this Court accepted and that remains available to the public (ECF No. 93), which lowers the public interest in the Sealed Documents even further, given they were never relied upon by the Court in making any judicial decision or determination.

5. Chess.com requests that these materials remain sealed, in their entirety, because the confidential, proprietary, and competitively sensitive nature of the information has not expired and is not set to expire at any future date certain. Plaintiff does not oppose this request.

² Previously, Chess.com filed a Motion to Seal its Rule 7.1 Corporate Disclosure and provided an accompanying Sealed Memorandum in Support. *See* ECF Nos. 67, 68. That Sealed Memo in Support sets forth the specific legal and factual reasons justifying continued sealing of the Sealed Memo, the accompanying Rule 7.1 Corporate Disclosure (attached as Exhibit #1 to the Sealed Memo, ECF No. 68-1), and the Reply Brief in Support of the Motion to Seal (ECF No. 73). Chess.com incorporates those legal arguments herein by reference.

Chess.com therefore respectfully requests that this Court grant this motion for continued sealing of Chess.com's Sealed Memorandum in Support of Motion for Leave to File under Seal (ECF No. 68), Chess.com's Rule 7.1 Corporate Disclosure Statement (attached as Exhibit #1 to Chess.com's Sealed Memorandum in Support of Motion for Leave to File under Seal) (ECF No. 68-1), and Chess.com's Sealed Reply Brief in Support of Motion for Leave to File under Seal (ECF No. 73).

DATED: September 15, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 15, 2023, the foregoing document was served on all counsel of record by ECF and electronic mail.

DATED: September 15, 2023

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